

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

NISHIMURA

Atty. Ref.: 723-1495; Confirmation No. 7340

Appl. No. 10/820,057

TC/A.U. 2628

Filed: April 8, 2004

Examiner: J.M. Crawford

For: STORAGE MEDIUM AND GAME DEVICE STORING IMAGE GENERATING
PROGRAM

* * * * *

October 17, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE
TO RECEIVE OFFICE ACTION**

Applicant hereby petitions the USPTO to withdraw the Holding of Abandonment based on the failure of applicant to receive the Office Action dated March 31, 2008. See MPEP §711.03(c)(A).

The Notice of Abandonment dated October 14, 2008 indicates that the instant application was abandoned because a Response was not filed in response to the Office Action *allegedly* mailed March 31, 2008. Upon receiving the Notice of Abandonment dated October 14, 2008, a review of the USPTO's PAIR system indicated that a Non-Final Rejection was allegedly mailed March 31, 2008. However, the applicant (including the undersigned) never received the Office Action dated March 31, 2008.

The applicant (including the undersigned) has searched the file jacket and docket records relating to the instant application, and both indicate that the Office Action dated March 31, 2008 was not received by applicant. A copy of the relevant docket record relating to this case is attached hereto, evidencing that the Office Action dated March 31, 2008 was not received by applicant. The attached docket sheet, last updated October 15, 2008, does not indicate any Office Action having been received. Thus, the attached docket sheets clearly indicate that the Office Action dated March 31, 2008 was not received by applicant.

In view of the above, it is respectfully requested that the Notice of Abandonment dated October 14, 2008 be withdrawn, and that a new Office Action be mailed to applicant.

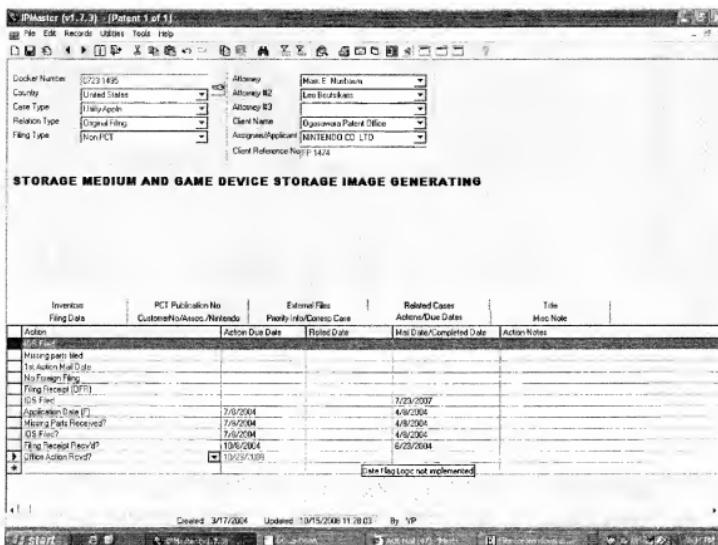
It is believed that no fee is necessary. However, the Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers. Please advise if there should be any questions.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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CITY	OFFICER	SERIAL NO.	DESCRIPTION	DATES
FPP	3392-148	77-394772	TM 6 MO Response	8/20/08
DSB	11-1310	2147243	late Renewal	7-29-08
DSB	1721-163	77-435634	foreign filing	DD/14
DSB	1721-162	77-435594	foreign filing	DD/14
SLN	4598-40	77-104470	TM/Com. Resp.	9-17-08
JR	4598-40	11-282,646	6 MO Resp	6/3
SCS	124-1102	10/520,849	2 mo. Commo Resp (F)	5-30-08
MJS	1105-42	11-1028,862	1 MO. RESP (5x)	4/22/08
JHN	3584-21	10/214,310	1 MO. RESP (5x)	6/3/08
MNL	2018-1017	11-101,163	Commo. Resp	6/30/08
BHD	1220-109	10/525,642	Commo Final Resp	DROP
BHD	1220-109	10/525,642	Commo Final Appeal	DROP
MJS	160-495	11-389,534	Commo Final Resp	NW/GA
MJS	160-495	11-389,534	Commo Final Appeal	NW/07
LSN	4002-156	11-1024,439	Commo. Resp	DEOP
RWA	2005-210	11-806,671	Commo. Resp	7-20-08
MEN	733-1508	10/931,202	6 mo. Resp	6/29/08
GRT	3087-42	10/415,820	6 mo. Resp.	4-10-08
JHD	1525-358	11-610,197	Gmo. Resp.	6-21-08
DJB	1721-160	77-435,454	TM FF DUE	DD/14
DJB	1721-161	77-435,537	TM FF DUE	DD/14
DJB	1721-164	77-435,388	TM FF DUE	DD/14
DJB	1721-165	77-435,253	TM FF DUE	DD/14
DMB	10-1640	11-1436,250	TM FF DUE	9-28-08
BJS	35-293	11-211,889	1 Mo. Response (5x)	ABD
SCS	550-462	10/647,106	6 MO Response	8-22-08
LCM	3816-72	11-250,514	6 MO Response	Supp/1A/08
JRL	4932-3	11-213,852	6 MO Response	W/hold w/att
JSP	4593-32	11-200,339	6 MO Response	6/30
BJS	2365-28	09/182,520	6 MO Response	9-30-08
ARC	227-158	10/513,142	6 MO Response	4-25
JRL	4932-4	11-324,481	6 MO Response	W/hold w/att
MNL	2018-1094	11-131,291	6 Mo. Response	6/30
LSN	36-1935	10/549,582	6 MO Response	6/26/08
BHD	1226-110	10/532,845	6 MO FR Response	DROP
BHD	1226-110	10/532,845	6 MO NPL X Appeal	DROP
JRL	723-1710	11-175,044	6 MO FR Response	7-9-08/RC
JRL	723-1710	11-175,044	6 MO NPL X Appeal	9-9-08
BHD	1812-33	21472,879	2 MO Response (4x)	4-31-08
RJM	2635-378	11-509,846	1 MO Response (5x)	4-21-08
MNL	2635-413	11-652,725	1 MO Response (5x)	4-28-08
FPP	3436-8	2147,221	late Renewal	10/28/08/initial

ATTY	CL/TYPE	SERIAL NO.	DESCRIPTION	DOCKET
RYAN	4090-9	1016AB, 048	Complaint Resp	193-08
RYAN	4090-9	1016AB, 048	Complaint Appeal	193-08
DMO	4041-42	78/798,661	6 MTO M Final Resp	ABD
DMR	4051-43	78/798,661	6 MTO Not of Appeal	ABD
SCS	124-1198	11/665,540	Issue Fee / Pub Fee	3170
SCS	124-1198	11/665,540	Drawings	DOCT
MNL	839-157	11/206,029	Issue Fee	7-9-08
MNL	839-157	11/206,029	Drawings	DOCT
SCS	124-1102	10/520,819	Opposite Response (T)	ABD
BHD	14662-291	10/398,705	Req for Rehearing	DOCT
BHD	14662-291	10/398,705	Appeal to Court	DOCT